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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,726	12/12/2003	David M. Murphy	2507-7830US (22120-US)	1945
60794	7590	11/17/2008		
TRASKBRITT, P.C./ ALLIANT TECH SYSTEMS				
P.O. BOX 2550				
SALT LAKE CITY, UT 84110				
EXAMINER				
A. PHU DIEU TRAN				
ART UNIT		PAPER NUMBER		
3633				
NOTIFICATION DATE		DELIVERY MODE		
11/17/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

### Office Action Summary

**Application No.**

10/734,726

**Applicant(s)**

MURPHY ET AL.

**Examiner**

PHI D. A

**Art Unit**

3633

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 and 41 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 11, 12 and 14-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 13, 20-25, 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-3, 7-10, 13, 20-25, 41 are rejected under 35 U.S.C. 102(a) as being anticipated by AEC (6/14/03).

AEC discloses on pages 1-58, especially pages 5 and 7, a deployable truss comprising: a plurality of column members connected at their ends to form a deployable truss that forms a rigid structure in a deployed state and that has a stowage volume less than its deployed volume in a collapsed state, wherein at least some of the plurality of column members comprise column assemblies including a plurality of at least three strut members, each strut member of an associated column assembly being connected to each other strut member of the associated column assembly at a first end of the column assembly and at a second end of the column assembly, wherein strut members of a column assembly are substantially symmetrically arranged about a centerline of the column assembly, wherein strut members of a column assembly are further connected to each other at a location between the first and second ends of the column assembly when the truss is in the deployed state, wherein at least some of the strut members of the column assembly exhibit a substantially helical twist about a longitudinal centerline of the column assembly, wherein each column assembly further comprises a spacer connecting the plurality of strut members of the column assembly at a location between the first end and the second end of the column assembly, wherein the spacer connects the strut member of the column

assembly near a midpoint between the first and second ends of the column assembly, wherein tile spacer is collapsible to a stowed configuration when the truss is in the collapsed state and expandable to a deployed configuration that radially spaces the plurality of strut members of the column assembly away from a longitudinal centerline of the column assembly when the truss is in the deployed state, wherein the plurality of strut members of the column assembly taper toward a centerline of the column assembly at the first end and the second end of the column assembly when the truss is in the deployed state, wherein at least some of the plurality of strut members comprise tubes, wherein at least one of the plurality of strut members comprises a rod, wherein each of the plurality of strut members is formed from a continuous fiber reinforced composite material, wherein the continuous fiber reinforced composite material comprises glass fibers, wherein the continuous fiber reinforced composite material comprises graphite fibers, wherein each of the column assemblies is tapered on at least one end, a plurality of column members connected at their ends to form a deployable truss that forms a rigid structure in a deployed state and that has a stowage volume less than its deployed volume in a collapsed state, wherein at least some of the plurality of column members comprise column assemblies including a plurality of strut members, each strut member of an associated column assembly being connected to each other strut member of the associated column assembly at a first end of the column assembly and at a second end of the column assembly, wherein strut members of a column assembly are further connected to each other at a location between the first and second ends of the column assembly when the truss is in the deployed state, and wherein at least some of the strut members of the column assembly exhibit a substantially helical twist about a longitudinal centerline of the column assembly.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 7-10, 13, 20-25, 41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/

Primary Examiner, Art Unit 3633

11/10/08